

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-CV-00123-FDW-DCK**

DANIEL JOHNSON,

Plaintiff,

vs.

MCLANE FOOD SERVICE, INC.,

Defendant.

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ORDER

THIS MATTER is before the Court upon Defendant McLane Foodservice, Inc.'s Motion to Dismiss. (Doc. No. 12). In its Motion, Defendant moves that the Court dismiss Plaintiff Daniel Johnson's Complaint, (Doc. No. 1, Exh. 1) in its entirety with prejudice. Plaintiff has now filed an Amended Complaint, (Doc. No. 22) and Defendant has also filed a new Motion to Dismiss. (Doc. No. 23). Accordingly, Defendant's original Motion to Dismiss, (Doc. No. 12) is now DENIED AS MOOT.

IT IS SO ORDERED.

Signed: July 15, 2013



Frank D. Whitney
Chief United States District Judge

